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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,078	09/16/2003	Hiroyuki Hamano	1232-5149	6073
27123 7590 08/06/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER SCHWARTZ, JORDAN MARC	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/665,078		HAMANO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jordan M. Schwartz		2873	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/04</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

For applicant's information, on applicant's IDS received August 17, 2004, the cited reference 11-305214 was corrected on the IDS form to 11-305124 to be consistent with the submitted reference.

### ***Claim Rejections - 35 USC § 112***

Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 9, the claimed "Ra and Rb are the radii of curvature of the both surfaces respectively" renders the claim vague and indefinite. Specifically, it is not clear if applicant is claiming that Ra is the radius of curvature of the object side surface and Rb is the radius of curvature of the image side surface (the assumed meaning for purposes of examination) or if applicant is claiming that Ra is the radius of curvature of either the object side or image side surface and Rb is the radius of curvature of the opposite surface. The lack of clarity renders the claim vague and indefinite.

With respect to claims 10-11 the claimed "solid image-pickup element" renders the claims vague and indefinite. Specifically, it is not clear if applicant meant to claim "solid" or if applicant meant to claim "solid-state" (with the latter

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being the assumed meaning for purposes of examination). The lack of clarity renders the claims vague and indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamano publication number 2002/0063969.

Hamano reads on these claims by disclosing the limitations therein including the following: a zoom lens system (abstract); comprising in order from an object side to an image side, a first lens unit of positive power consisting of one lens element (abstract, Figures 2, 6, 10, 14, and corresponding examples 1-4, "L1"); a second lens unit of negative optical power (abstract, Figures 2, 6, 10, 14, and corresponding examples 1-4, "L2"); a third lens unit of positive optical power (abstract Figures 2, 6, 10, 14, and corresponding examples 1-4, "L3"); a fourth lens unit of positive optical power (abstract Figures 2, 6, 10, 14, and corresponding examples 1-4, "L4"); and the first and third lens units move to be located closer to the object side at the telephoto end than the wide-angle end (Figure 1). The zoom lens system of examples 1-4 of Hamano would inherently satisfy the two mathematical conditions of claim 1, this being reasonably based

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upon the similarity in zooming as shown in Figure 1 of Hamano and that of the claimed invention and being based upon the very large ranges claimed (1.0 to 7.0 and 2.0 to 8.0).

Hamano further discloses the second lens unit consisting of two negative lens elements and one positive lens element (the embodiments of Figures 10 and 14); the satisfaction of the condition of claim 3 (paragraph 0075, examples 1-4, Table 1 of page 9); the satisfaction of the condition of claim 4 (examples 1-4, Table 1 of page 9); the fourth lens unit moved to perform focusing (paragraphs 0051 and 0087); the third lens unit includes one or more aspherical surfaces (examples 1-4); the fourth lens unit includes one or more aspherical surfaces (examples 1-4); the satisfaction of the condition of claim 8 (examples 1-4); the satisfaction of the condition of claim 9 (examples 1-4); the zoom lens system in a camera that uses a solid-state image pickup element (paragraphs 0106-0107).

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki publication number 2002/0118467.

Ozaki reads on these claims by disclosing the limitations therein including the following: a zoom lens system (abstract); comprising in order from an object side to an image side, a first lens unit of positive power consisting of one lens element (abstract, Figures 1, 5, 9, 13, and corresponding embodiments 1-4, surfaces 1-2); a second lens unit of negative optical power (abstract, Figures 1, 5, 9, 13, and corresponding embodiments 1-4, surfaces 3-8); a third lens unit of positive optical power (abstract, Figures 1, 5, 9, 13, and corresponding embodiments 1-4, surfaces 9-16); a fourth lens unit of positive optical power

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(abstract, Figures 1, 5, 9, 13, and corresponding embodiments 1-4, surfaces 17-18); and the first and third lens units move to be located closer to the object side at the telephoto end than the wide-angle end (Figure 1). The zoom lens system of embodiments 1-4 of Ozaki would inherently satisfy the two mathematical conditions of claim 1, this being reasonably based upon the similarity in zooming as shown in Figure 1 of Ozaki and that of the claimed invention and being based upon the very large ranges claimed (1.0 to 7.0 and 2.0 to 8.0).

Ozaki further discloses the second lens unit consisting of two negative lens elements and one positive lens element (Figures 1, 5, 9, and 13); the satisfaction of the condition of claim 3 (embodiments such as embodiment 2 with the condition equal to 0.86). It is believed that the zoom lens system of Ozaki will inherently satisfy the condition of claim 4 this being reasonably based upon the similarity in structure between the zoom lens system of Ozaki and that of the claimed invention. Ozaki further discloses the fourth lens unit moved to perform focusing (paragraph 0017); the third lens unit includes one or more aspherical surfaces (embodiments 1-4); the fourth lens unit includes one or more aspherical surfaces (embodiment 3); the satisfaction of the condition of claim 8 (embodiment 2 with the condition equal to 1.03); the satisfaction of the condition of claim 9 (embodiment 1 with the condition equal to 0.89); the zoom lens system in a camera that uses a solid-state image pickup element (paragraph 0002 and 0006 and a digital camera will inherently comprise a solid-state image pick-up element).

***Examiner's Comments***

Eguchi publication number 2003/0197950 and Saruwatari publication number 2003/0063395 are being cited herein to show zoom lens systems that would have read on or made obvious a number of the above rejected claims, however, such rejections would have been repetitive.

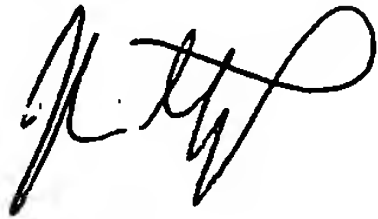
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:30 to 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached at (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'J. Schwartz', with a large, stylized loop at the end.

Jordan M. Schwartz

Primary Examiner

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July 31, 2007